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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 FEB 11 AM 9:43

CLERK'S OFFICE, DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 0373

(P)

DEPUTY

UNITED STATES OF AMERICA,)
 Plaintiff,)
 v.)
Jorge Alberto MUÑOZ-Marquez)
 Defendant.)
 _____)

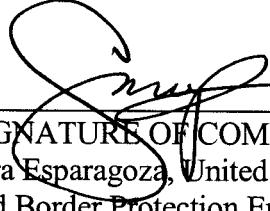
Magistrate Case No. _____

COMPLAINT FOR VIOLATION OFTitle 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Alien(s)
Without Presentation

The undersigned complainant being duly sworn states:

On or about **February 7, 2008**, within the Southern District of California, defendant **Jorge Alberto MUÑOZ-Marquez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Armando GONZALEZ-Siena, Gabriela Yanet GOMEZ-Magana and Alicia MEDINA-De Leon**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 11th DAY OF February, 2008.



UNITED STATES MAGISTRATE JUDGE

I, United States Customs and Border Protection (CBP) Enforcement Officer J. Poplawski, declare under penalty of perjury the following to be true and correct:

The complainant states that Armando GONZALEZ-Siena, Gabriela Yanet GOMEZ-Magana and Alicia MEDINA-De Leon are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 07, 2008 at approximately 2035 hours Jorge Alberto MUNOZ-Marquez (Defendant) made application for admission into the United States at the San Ysidro, California Port of Entry as the driver and sole visible occupant of a 1996 Chevy Astro Van. During a pre-primary inspection on vehicle lane #17 a Customs and Border Protection (CBP) Officer made contact with the defendant. The CBP Officer received two negative declarations from the defendant. Defendant presented a DSP-150 card bearing the name (Javaleria Quinones, Octaviano) as an entry document. Defendant stated he was going to Chula Vista and claimed ownership of the vehicle. The CBP Officer then conducted a cursory inspection of the vehicle and discovered a non-factory compartment in the under carriage of the vehicle. The officer requested a screening of the vehicle by Canine Enforcement Officer (CEO) who utilized her Narcotics/Human Detector Dog (NDD). CEO Officer informed the primary officer that she received a positive alert from her NDD. The CBP Officer also determined the defendant was an imposter to the document presented. Defendant was then escorted to the security office and the vehicle was taken to the secondary lot for further inspection.

In secondary, Officers located the compartment under the vehicle behind front seats. To gain access a bolt was loosened to lift open the access panel. CBP Officers gained access to the compartment and discovered two adult males and two adult females.

Further investigation revealed the four individuals to be citizens and natives of Mexico with no entitlements to enter the United States. One male and two female adults are now identified as Armando GONAZELZ- Siena (MW1), Gabriela Yanet GOMEZ-Magana (MW2), and Alicia MEDINA-De Leon (MW3).

During a videotaped proceeding, Defendant was advised of his Miranda rights and elected to submit to questioning without benefit to counsel. Defendant admitted knowledge to smuggling aliens in the vehicle. Defendant admitted he was driving in exchange for a waiver of the smuggling fee of \$2,500 USD. Defendant was to deliver the vehicle to a gas station off the 3rd exit of interstate 5. Defendant admits his final destination was Los Angeles, CA.

On separate videotaped interviews, Material Witnesses declare they are citizens of Mexico who have no legal right enter the United States. Material Witnesses stated they were en route to California to seek employment. Material Witnesses stated they were going to pay a fee ranging between \$2,200 USD to \$2,500 USD to be smuggled into the United States.

8th me
EXECUTED ON THIS ~~THIRTEEN~~ DAY OF February 2008 AT 1600.

J. Poplawski, CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of 1 page, I find probable cause to believe that the defendant named therein committed the offense on February 7, 2008 in violation of Title 8, United States Code, Section 1324.

J. Poplawski
MAGISTRATE JUDGE

2/8/08 1035 AM
DATE / TIME